



Legislation Details (With Text)

File #: 13-2104 **Version:** 1 **Name:** Workers' Compensation Settlement (Carmen Maya)
Type: Resolution **Status:** Filed
File created: 10/31/2013 **In control:** Law
On agenda: 12/18/2013 **Final action:** 12/18/2013
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2008-33833
Claimant: Carmen Maya
Claimant's Attorney: Ginarte O'Dwyer Gonzalez Gallardo & Winograd, LLP
Attorney's Address: 400 Market Street, Newark, New Jersey 07105
Settlement Amount: \$29,108.00
Funding Source: Insurance Fund Commission
Additional Comments:
Invitation: Corporation Counsel, December 17, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/18/2013	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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WHEREAS, the Petitioner, Carmen Maya, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2008-33833 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on August 20, 2008, while working for the Engineering Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Ginarte O'Dwyer Gonzalez Gallardo & Winograd, LLP, Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C., ("Outside Counsel") has agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of Twenty-Five Thousand Five Hundred Forty-Eight Dollars (\$25,548.00). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City of

Newark will also pay an attorney fee of Three Thousand Seventy Dollars (\$3,070.00), medical evaluation fees of Four Hundred Dollars (\$400.00) and a transcription fee of Ninety Dollars (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Twenty-Nine Thousand One Hundred Eight Dollars (\$29,108.00); and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, the Corporation Counsel and/or Outside Counsel deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Twenty-Nine Thousand One Hundred Eight Dollars (\$29,108.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The settlement of the Workers' Compensation matter bearing C. P. No. 2008-33833 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:

(a) \$23,109.00 (Twenty-Three Thousand One Hundred Nine Dollars) made payable and mailed to: Carmen Maya, Post Office Box 915, Keyport, New Jersey 07735. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$2,039.00 (Two Thousand Thirty-Nine Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$5,109.00 (Five Thousand One Hundred Nine Dollars) made payable to Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP, 400 Market Street, Newark, New Jersey 07105.

(c) \$400.00 (Four Hundred Dollars) made payable to Morris Horowitz, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666.

(d) \$400.00 (Four Hundred Dollars) made payable to Ana M. Komotar, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666.

(e) \$90.00 (Ninety Dollars), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.

3. Attached hereto are the certifications of the Comptroller of the City of Newark which state that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and which state that the line appropriation of the official budget which shall be charged is Fund 024, Agency 24T, Orgn 5T24, Object 96310. A copy of the Comptroller's certifications shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

4. A fully executed copy of the Order Approving Settlement shall be filed in the Office of the City Clerk by the Corporation Counsel.

STATEMENT

This resolution authorizes the Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C., on behalf of the City of Newark, to effectuate settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of Twenty-Nine Thousand One Hundred Eight Dollars (\$29,108.00) brought by Carmen Maya, Post Office Box 915, Keyport, New Jersey 07735, and represented by Ginarte O'Dwyer Gonzalez Gallardo & Winograd, LLP, who suffered injuries arising out of an accident that occurred on August 20, 2008 while he was employed by the Engineering Department.